

**JUDICIAL COUNCIL OF THE SIXTH CIRCUIT**  
**MICHIGAN-OHIO-KENTUCKY-TENNESSEE**

In re:  
Complaint of Judicial Misconduct

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\*No. 06-17-90089  
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**MEMORANDUM AND ORDER**

This complaint of judicial misconduct was filed by **[REDACTED]** (“complainant”) against the Honorable **[REDACTED]** (“subject judge”), pursuant to 28 U.S.C. § 351. The complaint also names a state court judge. The complaint is largely incoherent, containing a narrative involving the complainant’s wife and what may have been state court proceedings regarding her mistreatment in a nursing home and a dispute over guardianship. The complainant lists two district court cases in which the subject judge dismissed his complaints prior to service but does not specifically mention those cases in his statement of facts.

After conducting an initial review, the chief judge may dismiss a complaint as to which he concludes: (A) that the claimed conduct, even if it occurred, “is not prejudicial to the effective and expeditious administration of the business of the courts and does not indicate a mental or physical disability resulting in inability to discharge the duties of judicial office”; (B) that the complaint “is directly related to the merits of a decision or procedural ruling”; (C) that the complaint is “frivolous,” a term that applies to charges that are wholly unsupported; or (D) that the complaint “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” Rule 11(c)(1)(A)-(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Because no cognizable allegations of misconduct or disability on the part of the subject judge can be discerned from the complaint, it will be dismissed as frivolous pursuant to 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(C). To the extent the complainant is challenging the subject judge’s rulings in his underlying civil cases, this complaint is subject to dismissal as directly related to the merits pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Because these proceedings cover only the actions, conduct, or capacity of federal judges, see Rule 4, Rules for Judicial-Conduct and Judicial-Disability Proceedings; 28

U.S.C. § 351(d)(1), any allegations that the complainant has made against the state court judge named in the complaint need not be discussed herein.

For these reasons, it is **ORDERED** that the complaint be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii) and Rule 11(c)(1)(B) & (C) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

*/s/ R. Guy Cole, Jr.*  
Chief Judge

Date: January 17, 2018